

U.S. Department of Justice  
United States Marshals Service

Case 1:11-cv-04877-DLI Document 9 Filed 02/26/12 Page 1 of 1

FILED

Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF  
United States of America

★ FEB 21 2012 ★

COURT CASE NUMBER  
CV-11-4877 (DLI)

DEFENDANT  
\$219,240.50, More or Less, Formerly on Deposit in TD Bank

TYPE OF PROCESS  
Decree & Order of Forfeiture

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
\$219,240.50, formerly on deposit in TD Bank



ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

AT

USMS, 225 Cadman Plaza East, Brooklyn, NY 11201

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

LORETTA E. LYNCH, United States Attorney  
Eastern District of New York  
271 Cadman Plaza East, Seventh Floor  
Brooklyn, New York 11201  
Attn: AUSA Tanya Y. Hill

Number of process to be  
served with this Form - 285

Number of parties to be  
served in this case

Check for service  
on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please execute the Decree of Forfeiture and Order of Delivery as follows: (1) pursuant to para. 1, return \$119,240.50 of this asset to the Claimant by wire transfer, c/o "Douglas E. Grover as Attorney for Claimant Skywire Communications"; and (2) pursuant to para. 2, forfeit remaining \$100,000 from this asset, plus all interest accrued on the asset since the date of seizure.  
CATS: 11-DEA-542029

Signature of Attorney or other Originator requesting service on behalf of:

AUSA Tanya Y. Hill

☒ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER

(718) 254-6144

DATE

01/26/2012

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 53	District to Serve No. 53	Signature of Authorized USMS Deputy or Clerk Marcella	Date 1/26/12
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

Time

Signature of U.S. Marshal or Deputy  
Marcella

Service Fee 55.00	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges 55.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: \$100,000.00 transferred to Asset Forfeiture fund acct on 1/27/12  
\$119,240.50 transferred returned to claimant Skywire Communications c/o Douglas E. Grover as Attorney on 2/15/2012

PRIOR EDITIONS  
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

RECEIVED

SLR:LDM:TYH  
F.# 2011V00197

2012 JAN 26 AM 9:06

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

- - - - - X

TWO HUNDRED NINETEEN THOUSAND,  
TWO HUNDRED FORTY DOLLARS  
FIFTY CENTS (\$219,240.50),  
MORE OR LESS, FORMERLY ON  
DEPOSIT IN TD BANK ACCOUNT  
NO. 7918194106, AND ALL  
PROCEEDS TRACEABLE THERETO, and

DECREE OF  
FORFEITURE AND  
ORDER OF DELIVERY

Civil Action  
No. 11-CV-4877

(Irizarry, J.)

SIX HUNDRED THOUSAND DOLLARS  
(\$600,000.00), MORE OR LESS,  
FORMERLY ON DEPOSIT AT HSBC BANK  
IN ACCOUNT NO. 138755167, AND ALL  
PROCEEDS TRACEABLE THERETO,

Defendants in rem.

- - - - - X

WHEREAS, on or about October 6, 2011, a verified complaint in rem was filed in the Eastern District of New York (the "Verified Complaint"), alleging that the above-captioned defendants in rem, in the total amount of eight hundred nineteen thousand two hundred forty dollars and fifty cents (\$819,240.50) (the "Defendant Funds") were subject to seizure and forfeiture to the United States pursuant to: (a) 31 U.S.C. § 5317, as monies involved in violations of, or attempts to violate, federal reporting requirements under 31 U.S.C. § 5324, and (b) 18 U.S.C. § 981(a)(1)(A), as property involved in money laundering transactions or attempted money laundering transactions, in violation of 18 U.S.C. §§ 1956 or 1957, or any property traceable

thereto;

WHEREAS, on or about November 3, 2011, the Court issued the Warrant for Arrest of Articles in rem for the Defendants in rem (the "Warrant in rem") finding probable cause to believe that the above-referenced Defendants in rem were subject to seizure and forfeiture to the United States pursuant to the above statutes;

WHEREAS, consistent with the custom and practice in this district, the United States published notice of this action on the Government's website, www.forfeiture.gov, for thirty (30) consecutive days beginning November 15, 2011 and ending December 14, 2011;

WHEREAS, Skywire Communications (the "Claimant") asserted an interest against the Defendant Funds;

WHEREAS, Douglas E. Grover, Esq., a partner in the law firm Thompson Hine LLP, which represents the Claimant, has been authorized to execute this Stipulation as counsel on behalf of the Claimant;

WHEREAS, Claimant has represented to the United States that it is the exclusive owner of the Defendant Funds, and the United States is unaware of any other potential claimants to the Defendant Funds;

WHEREAS, no person, other than the Claimant, has asserted a claim or interest in the Defendant Funds, and the time to do so has expired; and

WHEREAS, Claimant and the United States have agreed to resolve and settle this matter between them in full without further litigation.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Pursuant to the Stipulation of Settlement previously executed by and between the parties, and upon execution of this Decree of Forfeiture and Order of Delivery by the Court, the United States shall return to Claimant the sum of \$119,240.50, in the form of a wire transfer c/o "Douglas E. Grover as Attorney for Claimant Skywire Communications."

2. Pursuant to 31 U.S.C. § 5317 and 18 U.S.C. § 981(a)(1)(A), the United States shall forfeit the sum of \$700,000.00, plus all interest accrued on the Defendant Funds since the date of seizure (the "Forfeited Asset").

3. The United States Marshals Service, and its duly authorized agents and contractors be, and the same hereby are, directed to dispose of the Forfeited Asset in accordance with all applicable laws and regulations.

4. This action, having settled, is hereby dismissed with prejudice and the Clerk shall mark this case closed.

5. The Clerk of the Court shall forward four (4) certified copies of this Decree of Forfeiture and Order of Delivery to the United States Attorney's Office, Eastern District of New York, Attention: FSA Senior Law Clerk William K. Helwagen, 271 Cadman Plaza East, 7<sup>th</sup> Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York  
January 18, 2012

s/DLI

~~HONORABLE DORA L. IRIZARRY~~  
UNITED STATES DISTRICT JUDGE

*United States v. \$219,240.50, More or Less, et al.*  
*CV-11-4877 (DLI)*  
*Decree of Forfeiture and Order of Delivery*  
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